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Action
9/24/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Douglas Adam Levinson

Confirmation No.: 8471

Serial No.: 10/004,633.

Group Art Unit: 1645

Filed: December 4, 2001

Examiner: Schwartz, Rodney P.

For: COMPOSITIONS AND
METHODS FOR THE
TREATMENT AND
DIAGNOSIS OF IMMUNE
DISORDERS

Attorney Docket No: 7853-251-999

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SEP 11 2003

RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 C.F.R. §1.142 TECH CENTER 1600/2900

Sir:

In response to the Office Action dated August 7, 2003, and in accordance with Rule 142 of the Rules of Practice, please consider the following remarks.

REMARKS

The Examiner has required restriction under 35 U.S.C. §121 of the claims to one of the following inventions:

- I. Claims 1, 4-11, 13 and 14, drawn to a method of treatment of ischemic disorder by giving a 200 gene product classified in class 424, subclass 9.2.
- II. Claims 2, 4-12, 15 and 16, drawn to a method of gene therapy, classified in class 514, subclass 44.
- III. Claims 3-11 and 17-21, drawn to a method of treatment of ischemic disorder by giving an antibody, classified in class 530, subclass 387.1.

In response, Applicant hereby elects to prosecute the claims of Group III (claims 3-11 and 17-21), drawn to a method of treatment of ischemic disorder by giving an antibody, without prejudice to Applicant's right to pursue the non-elected subject matter of the related applications.

Group III, claims 3-11 and 17-21, are further subject to a species election under 35 U.S.C. § 121. Specifically, the Examiner has required the election of one of the following species: ischemic renal disease, infarction or myocardial ischemia. If infarction is elected, then the Examiner has required a further species election. In particular, the Examiner has required that either myocardial or cortical be elected as a species. In response, Applicant hereby elects as a species ischemic renal disease.

Entry of these remarks made herein is respectfully requested.

It is estimated that no fee is necessary for filing this response. In the event a fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date: September 4, 2003

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Enclosure

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